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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) YOR920010281US1 (8728-513)						
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>June 12, 2007</u> Signature <u>[Signature]</u> Typed or printed name <u>Nathaniel T. Wallace</u>	Application Number 09/845,708	Filed April 30, 2001						
	First Named Inventor Challenger et al.							
	Art Unit 2178	Examiner Paula, Cesar B.						
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td rowspan="4"><u>[Signature]</u> Signature Nathaniel T. Wallace Typed or printed name 516-692-8888 Telephone number June 12, 2007 Date</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>48,909</u></td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	<u>[Signature]</u> Signature Nathaniel T. Wallace Typed or printed name 516-692-8888 Telephone number June 12, 2007 Date	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>48,909</u>	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____
<input type="checkbox"/> applicant/inventor.	<u>[Signature]</u> Signature Nathaniel T. Wallace Typed or printed name 516-692-8888 Telephone number June 12, 2007 Date							
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<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____								

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Challenger et al. Examiner: Paula, Cesar B.  
Serial no.: 09/845,708 Art Unit: 2178  
Filed: April 30, 2001 Docket: YOR920010281US1 (8728-513)  
For: **A METHOD FOR GENERATION AND ASSMEBLY OF WEB PAGE  
CONTENT**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Examiner:

In response to the Advisory Action dated June 4, 2007, Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal and a Pre-Appeal Brief Request For Review Form (PTO/SB/33).

## **REMARKS**

Please consider the following reasons for this Pre-Appeal Brief Request for Review.

Claims 16, 17, 19-21, 24, and 32-34 are pending and stand rejected in the above-referenced application. Claim 16 is the pending independent claim. Only the rejection pertinent to independent Claim 16 is addressed here.

Claims 16, 17, 19, 20 and 32-34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Troyansky et al. (US Application No. 2003/0190054) in view of Takashi et al. (US Application No. 2002/0059162) and further in view of Lemay et al. (“Laura Lemay’s Web Workshop Creating Commercial Web Pages”, Sams.net, 1996, pp.110-115) and further in view of Truong (U.S. Patent No. 6,151,609), and further in view of Levy et al. (US Application No. 2003/0012548). The Examiner stated essentially that the combined teachings of Troyansky, Takashi, Lemay, Truong, and Levy teach or suggest all the limitations of Claims 16-20.

Claim 16 claims, *inter alia*, “converting, automatically by the server, the textual content in text format to the textual content in the image format according to the content creation preference; storing the textual content in the image format; generating an HTML document containing an inline reference to the stored textual content in the image format for retrieval and dynamic assembly by the client; and replying to the request by serving the HTML document containing the inline reference to the stored textual content in the image format, wherein the reply does not include the textual content in the image format.”

Troyansky teaches a system and method for providing uniquely marked copies of data content via digital watermarks (see Abstract and paragraph [0124]). Troyansky does not teach or suggest, “generating an HTML document containing an inline reference to the stored textual content in the image format for retrieval and dynamic assembly by the client” as claimed in

Claim 16. Troyansky teaches a content processor that forms the sets of marked segments prior to distribution of the data content (see paragraph [0114]). The assembly of Troyansky is performed by a server (see for example, FIG 3) – no inline reference is taught as the client does not perform assembly. Therefore, Troyansky does not teach or suggest, “generating an HTML document containing an inline reference to the stored textual content in the image format”, essentially as claimed in Claim 16. Thus, Troyansky fails to teach or suggest all the limitations of Claim 16.

Further, Troyansky replaces content, replacement of content is not analogous to “converting, automatically by the server, the textual content in text format to the textual content in the image format” as claimed in Claim 16. Troyansky shows that portions of content are “removed and deleted” (see FIG 3). The original content of Troyansky’s HTML document is lost (through removal and deletion) to the new content of the embedded mark. Troyansky’s removal and deletion of content is not analogous to converting content much less “generating an HTML document containing an inline reference to the stored textual content in the image format.”

Takashi teaches a system and method for searching for a mark in an image; the mark is embedded by a server in a Web page created by the server such that the mark is difficult to perceive by a human (see Abstract and paragraph [0007]). Takashi teaches that information is transmitted to a client with a mark image embedded therein; the server creates the Web page for the client (see paragraph [0022]). Takashi’s method of creating marked information is performed by a server, not a client. Thus, Takashi does not teach or suggest, “generating an HTML document containing an inline reference to the stored textual content in the image format” as claimed in Claim 16. Therefore, Takashi fails to cure the deficiencies of Troyansky.

Lemay teaches a web page including an image (see page 111). Lemay merely teaches a basic layout of a web page. Lemay does not teach an inline reference to stored textual content in

an image format, essentially as claimed in Claim 16. Therefore, Lemay fails to cure the deficiencies of Troyansky and Takashi.

Truong teaches an editor for remotely editing text files on a remote Internet server (see Abstract). Truong teaches editing a text file stored on a server and served as a complete assembled Web page (see element 106 of Figure 3B). Truong does not teach or suggest an inline reference to stored textual content in an image format, essentially as claimed in Claim 16. Therefore, Truong fails to cure the deficiencies of Troyansky, Takashi and Lemay.

Levy teaches a method by which a server performs integration of a watermark in content (see paragraph [0093]). Levy does not teach or suggest, “generating an HTML document containing an inline reference to the stored textual content in the image format” as claimed in Claim 16. In Levy’s method a client is a creator of content and watermarked content desiring to tailor audio or video content presented to consumers (see paragraphs [0078] and [0033]). This type of client is very different from the client of Claim 16 - the client of Claim 16 is a requestor of content from the server. Levy’s client is a provider of content to the server. More particularly, Levy teaches that content, a watermark and watermark parameters are sent to a server for integration and returned as a complete document for later broadcast to consumers. Clearly then, this is not analogous to retrieval and inline dynamic assembly by the client, essentially as claimed in Claim 16 – Levy does not teach an inline reference.

The combined teachings of Troyansky, Takashi, Lemay, Truong and Levy teach a server embedding content into data. Therefore, the combined teachings of Troyansky, Takashi, Lemay, Truong and Levy fail to teach or suggest, “generating an HTML document containing an inline reference to the stored textual content in the image format” as claimed in Claim 16.

Applicants also note, that in general, the Troyansky, Takashi, and Levy seem to be concerned with watermarks. Watermarks introduce information, by changing content, that is difficult to detect. The claimed invention is directed to “converting electronically encoded HTML textual content from a text format to an image format.” None of the cited references teach or suggest the conversion of textual content. Troyansky is exemplary in this respect; Troyansky removes and deletes content to make room for the embedded mark, see for example, paragraph [0003], wherein Troyansky states that steganography generally works by replacing parts of the information in digital files with different information. Additionally, neither Lemay nor Truong teach or suggest converting electronically encoded HTML textual content from a text format to an image format, as claimed in Claim 16. Thus, the combination of Troyansky, Takashi, Lemay, Truong and Levy fails to teach or suggest the claimed conversion.

For at least the foregoing reasons, there is believed to be clear error in the rejection based on Troyansky, Takashi, Lemay, Truong and Levy; reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 16, 17, 19-21, 24, and 32-34, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

Dated: June 12, 2007

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